

UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF PUERTO RICO

UNITED STATES OF AMERICA  
Plaintiff

v.

DAVID VEGA MOLINA and  
MICHELLE RODRIGUEZ MATOS  
Defendants

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Criminal No. 99-295(DRD)

**UNITED STATES MOTION TO AMEND  
COUNT IV OF THE INDICTMENT**

COMES NOW the United States of America by and through the undersigned attorneys and very respectfully states and prays as follows:

1. The United States, pursuant to the Report and Recommendation dated September 28, 2005, of the Hon. Gustavo A. Gelpi, United States Magistrate-Judge, hereby requests the following:

That Count Four of the Indictment in the above captioned case be amended pursuant to Rule 7(e), Federal Rules of Criminal Procedure to read in its citation of the law, at paragraph 1, page 7, in its pertinent part, **"in violation of Title 18, United States Code, § 1203(a)(b)(2)<sup>1</sup> and 371."**

2. That the amendment requested herein, pursuant to the aforementioned "Report and Recommendation" does conform with the Opinion of the Court of Appeals for the First Circuit in the above matter and

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<sup>1</sup> Title 18, United States Code, Section 1203(a)(b)(2) is the original violation of law charged in the Indictment.

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the aforementioned Report and Recommendation. Furthermore, this amendment places the defendant in the same legal situation as the rest of the co-defendants in this case.

Wherefore, the United States respectfully requests that the above motion be granted as requested and the amendment to Count Four of the Indictment be so ordered.

San Juan, Puerto Rico, this 14<sup>th</sup>. day of October, 2005.

Respectfully submitted.

H. S. GARCIA  
UNITED STATES ATTORNEY

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**CERTIFICATE OF SERVICE**

I hereby certify that on July 27, 2005, I electronically filed the foregoing document with the Clerk of the Court Cm/ECF system which will send notification of such filing to the following attorneys:

1. Linda Backiel, Esq.
2. Jose Romo Matienzo, Esq.

S/Antonio R. Bazán, 117007  
Assistant U.S. Attorney

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